

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MARK MCCOURT LIEBER, JR,	§	
TDCJ No. 1969926,	§	
Petitioner,	§	
	§	
v.	§	CIVIL NO. SA-19-CA-12-FB (HJB)
	§	
LORIE DAVIS, Director,	§	
Texas Department of Criminal	§	
Justice, Correctional Institutions	§	
Division,	§	
Respondent.	§	

**RESPONDENT'S THIRD MOTION FOR EXTENSION
OF TIME WITH BRIEF IN SUPPORT**

This is a habeas corpus case brought by a Texas state prisoner, Mark McCourt Lieber, Jr., under 28 U.S.C. § 2254. The Director's answer in this case is currently May 3, 2019, on second extension. The basis for the Director's second extension was that additional investigation into Lieber's claims was required. As a result of this investigation, the undersigned sought an affidavit from Lieber's trial counsel. That affidavit was received today, May 1, 2019. For the next three days the undersigned will be attending the 2019 Robert O. Dawson Conference on Criminal Appeals. As additional support for this request, in the past thirty days the undersigned has filed six responsive pleadings in other district court cases and mentor reviewed four responsive pleadings. ¹ As a result, additional time to complete the Director's answer is

¹ The undersigned has managing duties for the United States District Courts, which include, but are not limited to, mentoring all responsive and miscellaneous pleadings of new attorneys until they have mastered all major federal habeas corpus defenses

required and would be greatly appreciated. The Director respectfully requests an extension of fourteen days, up to and including Friday, May 17, 2019, to file her response.

This is the Director's third request for an extension of time in this cause. The Director apologizes to the Court for the necessity of this extension. Moreover, this request is not designed to harass Lieber, nor to unnecessarily delay these proceedings, but to ensure that Lieber's claims are properly addressed. Accordingly, the Director respectfully requests an extension of fourteen days, up to and including, Friday, May 17, 2019, to complete the Director's response.

CONCLUSION

The Director respectfully requests that her Third Motion for Extension of Time be granted.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

ADRIENNE McFARLAND
Deputy Attorney General
for Criminal Justice

EDWARD L. MARSHALL
Chief, Criminal Appeals Division

and common issues, reviewing new non-death penalty federal petitions served on this division by the district courts, and assigning cases to four non-death penalty division attorneys (including herself).

*Lead Counsel

/s/ Jessica Manojlovich
JESSICA MANOJLOVICH*
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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF CONFERENCE

I do hereby certify that a conference is not possible because Petitioner is incarcerated.

/s/ Jessica Manojlovich
JESSICA MANOJLOVICH
Assistant Attorney General

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the above and foregoing pleading has been served by placing the same in the United States Mail, postage prepaid, on this the 1st day of May 2019, addressed to: Mark McCourt Lieber, Jr., TDCJ No. 1969926, Michael Unit, 2664 FM 2054, Tennessee Colony, TX 75886.

/s/ Jessica Manojlovich
JESSICA MANOJLOVICH
Assistant Attorney General